



# ACCEPTANCE OF CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO GRANT PROGRAM FUNDS

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*Health Services Advisory Board Meeting, March 2, 2021*

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*Maternal, Child, and Family Health Services*

*Public Health Services*

*County of San Diego, Health and Human Services Agency*



# YOUTH TOBACCO USE



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According to the 2020 National Youth Tobacco Survey:

**3.6 million**  
U.S. youth still  
currently use  
e-cigarettes.

There is a  
**notable uptick**  
in use of  
disposable  
e-cigarettes  
by youth.

More than  
**8 out of 10**  
current youth  
e-cigarette users  
use flavored  
e-cigarettes.

# PERCENTAGE OF YOUTH WHO REPORT CURRENT USE OF TOBACCO PRODUCTS BY RACE/ETHNICITY



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	White, non-Hispanic	Black, non-Hispanic	Hispanic	Other, non-Hispanic
<b>Middle School Students</b>				
Any tobacco products	5.7	6.7	9.4	N/A
E-cigarettes	4.3	2.6	7.1	N/A
<b>High School Students</b>				
Any tobacco products	25.9	18.4	23.3	15.7
E-cigarettes	23.2	9.1	18.9	12.1

\*Current use is defined as past 30 days.

Source: National Youth Tobacco Survey 2020

# 2020 YOUNG ADULT TOBACCO PURCHASE SURVEY RESULTS



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Through funding from the California Department of Public Health, the **Young Adult Tobacco Purchase Survey** was conducted in the unincorporated area of San Diego County in February 2020 to determine the scope of youth access to tobacco products.

# 19.6%\*

Overall sales rate to  
underage youth  
(n=142 retailers)

## Retailers included:

- Independent markets
- Smoke/vape shops
- Convenience stores
- Drug stores
- Liquor stores
- Gas stations
- Grocers



<sup>1</sup> World Health Organization (WHO). "The Global Strategy on Diet, Physical Activity and Health."  
[http://www.who.int/dietphysicalactivity/media/en/gsf\\_general.pdf](http://www.who.int/dietphysicalactivity/media/en/gsf_general.pdf) (Accessed September 22, 2011).

<sup>2</sup> 3Four50, [www.3four50.com](http://www.3four50.com) (Accessed September 22, 2011).

# TRL-RELATED ACTIONS TAKEN BY THE COUNTY



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- On December 8, 2020, the County of San Diego Board of Supervisors approved the Tobacco Retail Licensing (TRL) Ordinance (Ordinance No. 10699).
- The County's TRL Program will provide core infrastructure for licensing and carry out basic enforcement activities including inspections and decoy operations.
- PHS applied for the California Department of Justice Tobacco Grant Program to fund enhanced enforcement activities.

# LEVERAGING FUNDING



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COUNTY TRL PROGRAM	PUBLIC EDUCATION	SUPPLEMENTAL COMPLIANCE ACTIVITIES
<p>Funding: <b>Realignment</b> FY 21/22 and <b>TRL Fee</b> effective FY22/23</p> <ul style="list-style-type: none"><li>• Process TRL applications and renewals</li><li>• Conduct retailer inspections, complaint-based inspections, and re-inspections</li><li>• Conduct youth decoy operations at 50% of retailers</li><li>• Disseminate TRL-related notices</li><li>• Attend to TRL violators</li></ul>	<p>Funding: <b>California Tobacco Control Program</b> FY20/21 and FY21/22</p> <ul style="list-style-type: none"><li>• Respond to public inquiries regarding Tobacco Retail Licensing-related questions</li><li>• Provide education and outreach to the public regarding TRL policy adoption and implementation</li></ul>	<p>Funding: <b>California Department of Justice Tobacco Grant</b> FY 21-24</p> <ul style="list-style-type: none"><li>• Conduct specialized training for all retailers found in violation of the TRL</li><li>• Implement quarterly virtual educational meetings with retailers</li><li>• Establish and implement e-cigarette disposal procedures</li><li>• Conduct youth decoy operations at 50% of retailers</li></ul>

# CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO GRANT



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- **Award:** \$532,405
- **Project period:** July 1, 2021 to June 30, 2024
- **Project goal:** To enhance the compliance and educational efforts of the County of San Diego's TRL Program.
- **Target population:** Tobacco retailers in the unincorporated area of San Diego County.



# OBJECTIVES TO ENHANCE THE TRL PROGRAM



1. Provide additional education and training to retailers found in violation of the TRL Program
2. Expand youth decoy operations, as part of the TRL Program, to all retailers in the unincorporated area
3. Conduct quarterly virtual educational meetings with tobacco retailers
4. Establish procedures for safe storage and disposal of e-cigarettes

# FISCAL IMPACT



**Total Award: \$532,405**

FY 21/22	FY 22/23	FY 23/24
\$174,262	\$176,611	\$181,532

Personnel Services	Operating Expenses and Equipment	Administrative Costs
\$333,780	\$177,699	\$20,926

There will be no change to the net General Fund cost and no additional staff years.

# ANTICIPATED OUTCOMES FY 2021-2024



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- Youth decoy operations conducted with **50%** of licensed tobacco retailers annually (resulting in youth decoy operations at 100% of retailers).
- Additional education and training for **100%** of retailers found in violation of the County of San Diego TRL Ordinance.
- **12** tobacco retailer quarterly educational meetings held.
- **1** protocol for the safe handling and disposal of e-cigarettes developed and implemented.

# HEALTH IMPACT



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- Reduce youth access and exposure to tobacco products.
- Reduce COVID-19 complications.
- Reduce smoking rates.

# REQUEST FOR HSAB SUPPORT



## BOARD LETTER RECOMMENDATIONS

- Authorize the acceptance of \$532,405 in grant funds from the California Department of Justice for the period of July 1, 2021 through June 30, 2024.
- Adopt a Resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING ACCEPTANCE OF A GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO GRANT PROGRAM UNDER PROPOSITION 56, THE HEALTHCARE, RESEARCH, AND PREVENTION TOBACCO TAX ACT OF 2016.
- Authorize the Agency Director, Health and Human Services Agency, to apply for additional funding opportunity announcements.



# QUESTIONS AND DISCUSSION

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# HIP POCKET SLIDES

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# TOBACCO RETAIL LICENSING PROGRAM MODEL



The Tobacco Retail Licensing Program will be carried out by Public Health Services.

Essential components of the TRL program:







1. All tobacco retailers obtain a ***license or TRL*** each year that is issued by the County.
2. Any ***violation*** of a local, state, or federal tobacco law is considered a violation of the County license.
3. Financial deterrent through fines and penalties for ***violations*** that includes suspension and revocation of the license.
4. All retailers must pay an ***annual fee*** to cover administration and enforcement efforts.

# ADDITIONAL KEY ELEMENTS OF THE COUNTY OF SAN DIEGO'S TOBACCO RETAIL LICENSING PROGRAM



## **Transfer of Licenses**

- Licenses can only be transferred to immediate family members (parent, child, spouse, or domestic partner).

## **Site Regulations**

- Limit sales to the site of the tobacco retailer
- Limit number of total tobacco retailers (cap of 330 TRLs after January 1, 2022)
- Restrict facilities with onsite pharmacies from selling tobacco products
- Limit density of tobacco retailers (No new retailer within 500 feet of an already licensed retailer after January 1, 2022)

## **Product and Price Regulations**

- Prohibit the sale of flavored tobacco products and tobacco product flavor enhancers
  - This provision does not apply to loose leaf tobacco, premium cigars, or shisha products for use in a hookah.
- Establish a minimum price for certain tobacco products
- Prohibit redemption of coupons or multi-pack discounts
- Establish a minimum pack size for cigars and little cigars

## **Age Requirements/Exceptions**

- Establish minimum age for obtaining a TRL and for clerks to sell tobacco products
- Restrict persons under 21 from entering private smokers'/hookah lounge
- Does not apply to noncommercial Native American practices or anyone under 21

# THE TOBACCO RETAIL LICENSE FEE



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## ACCORDING TO THE TOBACCO RETAIL LICENSING ORDINANCE:

“The fee to issue or to renew a Tobacco Retailer's license shall... be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, **issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators....**”